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ANAT HAKIM, (admitted *pro hac vice*)

Attorneys for Defendant The Rockefeller University, a New York not-for-profit corporation,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Ligand Pharmaceuticals Incorporated, a
Delaware corporation,

Plaintiff,

vs.

The Rockefeller University, a New York
not-for-profit corporation,

Defendant.

Case No: 08-CV-401 BEN (WMC)

**NOTICE OF WITHDRAWAL OF
MOTION TO DISMISS OR, IN THE
ALTERNATIVE, STAY THIS ACTION**

Judge: Roger T. Benitez

Date: April 21, 2008

Time: 10:30 a.m.

Courtroom: 3

NOTICE IS HEREBY GIVEN that Defendant, THE ROCKEFELLER
UNIVERSITY ("Rockefeller"), hereby withdraws its Motion to Dismiss or, in the
Alternative, Stay this Action, that was filed March 11, 2008, originally set for April 14,
2008 and currently scheduled for April 21, 2008, at 10:30 a.m. at 940 Front Street, San
Diego, CA 92101-8900. The removal is based on the fact that the pending New York

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1 state court action that was the subject of this motion was removed to federal court in New
2 York by the defendant in this case. The Rockefeller University will be filing a responsive
3 pleading in this case on or before its time to answer.

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5 Dated: March 25, 2008

FOLEY & LARDNER LLP
KENNETH S. KLEIN

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7 By: /s/

KENNETH S. KLEIN
Attorneys for Defendant The Rockefeller
University
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CERTIFICATE OF SERVICE

I hereby certify that on **March 25, 2008**, I caused the following document(s):
NOTICE OF WITHDRAWAL OF MOTION TO DISMISS OR, IN THE
ALTERNATIVE, STAY THIS ACTION to be filed electronically with the Clerk of
Court through ECF, and that ECF will send an e-notice of the electronic filing to the
following:

Darrell Olson
KNOBBE, MARTENS, OLSON & BEAR
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a copy was mailed to:

Joseph M. Reisman Ali S. Razai
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X BY MAIL

X I am readily familiar with the firm's practice of collection and processing
correspondence for mailing with the United States Postal Service; the firm
deposits the collected correspondence with the United States Postal
Service that same day, in the ordinary course of business, with postage
thereon fully prepaid, at **San Diego, California**. I placed the envelope(s)
for collection and mailing on the above date following ordinary business
practices.

X Executed on **March 25, 2008**, at **San Diego, California**.

X I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.


Martha X. Zarate